

REMARKS

This application has been reviewed in light of the Office Action mailed December 14, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 4, 6 – 17, 42 and 44 are pending in the application with Claims 1 and 43 being in independent form. By the present amendment, Claim 1 is amended, Claims 41 and 43 are canceled, and Claim 44 is newly added. The features recited in Claims 1 and 44 are supported throughout the disclosure, for example page 28, line 24 through page 29, line 7; page 32, line 3 through page 34, line 2; page 35, line 18 through page 36, line 15; and page 39, line 16 through page 41, line 1. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 1 – 4, 6 – 8, 10 – 17 and 41 – 43 Under 35 U.S.C. § 103(a)

Claims 1 – 4, 6 – 8, 10 – 17 and 41 – 43 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Publication No. 2005/0148842 (hereinafter, “Wang”), in view of U.S. Publication No. 2002/0111544 (hereinafter, “Iddan”) and U.S. Publication No. 2001/0051766 (hereinafter, “Gazdzinski”). Initially, Applicants note that Claims 41 and 43 have been canceled, and thus the rejection of Claims 41 and 43 is rendered moot.

As recited in amended Claim 1, the in-vivo information acquisition system includes a plurality of in-vivo information acquisition apparatuses inserted into a body to examine a specimen and acquire in-vivo information. Additionally, an external apparatus acquires the evaluation result obtained by the in-vivo information acquisition apparatus via the communication section. Moreover, Claim 1 recites that the plurality of the in-vivo information acquisition apparatuses collect the specimen using the specimen-collecting section simultaneously in response to a first command signal sent from the external apparatus to the

plurality of the in-vivo information acquisition apparatuses; and send the evaluation result and the identification information stored in the memory to the external apparatus in response to a second command signal sent from the external apparatus. Similar features are recited in newly added Claim 44.

Furthermore, Claims 2 – 4, 6 – 8, 10 – 17 and 42 depend from independent Claim 1, and thus include all the features recited in that independent claim.

Wang, Iddan and Gazdzinski, taken alone or in any proper combination fail to disclose the features recited in amended Claim 1. Namely, the cited references fail to disclose or suggest “...a plurality of the in-vivo information acquisition apparatuses are provided inside the body cavity, in which collecting the specimen by the specimen-collecting section is simultaneously started in response to a first command signal sent from the external apparatus to the plurality of the in-vivo information acquisition apparatuses, and wherein the plurality of the in-vivo information acquisition apparatuses send the evaluation result and the identification information stored in the memory to the external apparatus in response to a second command signal sent from the external apparatus to the plurality of the in-vivo information acquisition apparatuses...” recited in Claim 1; or “...inserting a plurality of in-vivo information acquisition apparatuses that have identification information unique to each of the in-vivo information acquisition apparatus into a body...” recited in Claim 41.

Therefore, for at least the reasons presented above, Claims 1 – 4, 6 – 8, 10 – 17, 42 and 44 are believed to be allowable over the cited prior art references. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1 – 4, 6 – 8, 10 – 17, 42 and 44 under 35 U.S.C. § 103(a) over Wang in view of Iddan, and further in view of Gazdzinski.

II. Rejection of Claim 9 Under 35 U.S.C. § 103(a)

Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Wang, in view of Iddan and Gazdzinski, and further in view of U.S. Patent No. 7,063,671 issued to Couvillon.

Claim 9 depends from independent Claim 1 and thus includes all the features recited in that independent claim. Moreover, Couvillon fails to overcome the above-identified deficiencies in Wang, Iddan and Gazdzinski, whether taken alone or in any proper combination.

Therefore, for at least the reasons presented above, Claim 9 is believed to be allowable over the cited prior art references. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claim 9 under 35 U.S.C. § 103(a) over Wang in view of Iddan and Gazdzinski, and further in view of Couvillon.

III. Newly Added Claim 44

The features recited in newly added Claim 44 find support, for example, on page 28, line 24 through page 29, line 7; page 32, line 3 through page 34, line 2; page 35, line 18 through page 36, line 15; and page 39, line 16 through page 41, line 1 of the specification as originally filed. Therefore, no new subject matter is introduced into the disclosure by way of the newly added claims.

Additionally, Claim 44 recites similar novel features as independent Claim 1. Moreover, As a consequence of the features recited in newly added Claim 44, it is possible to identify each of the in-vivo information acquisition apparatuses in a matter of minutes, since only the identification information is sent to the external apparatus in response to a second signal. Furthermore, a third signal is sequentially sent to each of the in-vivo information acquisition apparatuses, and then the evaluation result stored in the memory is sequentially sent to the

external apparatus from each of the in-vivo information acquisition apparatuses in response to the third command signal. Thus, smooth communication can be realized. Additionally, Applicants note that it is necessary to determine the number of in-vivo information acquisition apparatuses in advance in order to send data or information sequentially. However, the cited prior art references fail to disclose or suggest these features as recited in Claim 44.

Accordingly, Applicants respectfully submit that Claim 44 is allowable over the cited prior art references for at least the reasons presented above.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 4, 6 – 17, 42 and 44 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy, & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS/DAT:dk